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OFFICE OF PETITIONS

In re Application of
Kia Silverbrook
Application No. 10/728,803
Filed: December 8, 2003
Attorney Docket No. MTB12US

ON PETITION

This is a decision on the renewed petition filed June 14, 2007 under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

The petition is GRANTED.

The above-referenced application was held abandoned on November 24, 2006, for failure to file a timely response to the Final Office Action mailed August 22, 2006, which set a three (3)-month statutory period for reply. Accordingly, a Notice of Abandonment was mailed March 30, 2007. A petition filed May 3, 2007 was dismissed in a decision mailed May 24, 2007 because while petitioner claimed that a response in the form of a Request for Continued Examination (RCE) had been timely filed on October 30, 2007 (after the mailing of an Advisory Action on October 13, 2006), the file record did not reveal that a response had been filed and neither did petitioner provide any corroborating evidence of that fact.

With the instant renewed petition, pursuant to MPEP 503¹, petitioner has included a postcard receipt date stamped by the USPTO on October 30, 2006 itemized and showing that the RCE was timely filed.

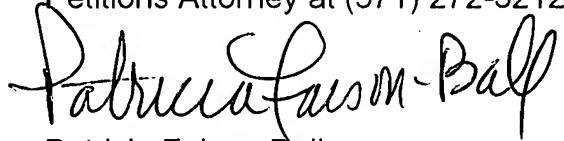
Accordingly, the holding of abandonment is hereby withdrawn. No petition fee is necessary and none has been charged.

This matter will be referred to Technology Center 2853 for processing of the RCE filed

¹The USPTO has a well-established and well-publicized practice of providing a receipt for papers filed in the USPTO to any applicant desiring a receipt. The practice requires that any paper for which a receipt is desired be filed in the USPTO with a self-addressed postcard identifying the paper. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO. See section 503, Manual of Patent Examining Procedure (MPEP 503).

October 30, 2006, a copy of which was filed with the May 3, 2007 petition and the previously filed amendment as the submission under 37 CFR 1.114.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, appearing to read "Patricia Faison-Ball".

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions